



## **Request for City Council Committee Action from the Department of Public Works**

**Date:** March 18, 2014

**To:** Honorable Kevin Reich, Chair Transportation & Public Works Committee

**Referral:** Honorable John Quincy, Chair Ways and Means Committee

**Subject:** **Street Construction Assessment Reductions**

**Recommendation:**

- A. Pass a resolution authorizing the Hennepin County Auditor to reduce previously levied assessments against Wagner Partners Limited Partnership, and Minnetonka Moccasin Company, Inc.

**Previous Directives:**

- February 21, 2014 - Passage of Resolution authorizing settlement of the following legal matters:
  - Special assessment appeal asserted by Wagner Partners Limited Partnership to authorize reducing previously levied assessments by \$79,024.11 at 6024 Penn Ave S.
  - Special assessment appeal asserted by Minnetonka Moccasin Company, Inc. to authorize reducing previously levied assessment by \$177,129.87 at 1227 E Hennepin Ave.
- November 12, 2013 – Council Resolution 2013R-510 Levying various 2013 Public Works Assessments and adopting the assessment rolls
- January 29, 2013 – Project approval and assessment public hearing for Penn Av S Street Reconstruction Project No 6748; areaway abandonment public hearing
- November 16, 2012 – Council Action designating the location and streets improved in the Penn Av S Reconstruction Project No 6748

**Department Information:**

Prepared by: Brette Hjelle, Director, Administration Division, 673-2365  
Suzette Hjermstad, R.E. Investigator II, 673-2401

Approved by: \_\_\_\_\_

Steven A. Kotke, P.E., Director of Public Works

Presenters in Committee: Brette Hjelle, Director, Administration Division

**Financial Impact**

Other financial impact: Reduction of assessments by \$177,129.87 for the Winter St Residential/Commercial Project No 2226C. Reduction of assessments by \$79,024.11 for the Penn Av S Street Project No 6748C.

**Supporting Information**

On February 21, 2014 the City Council authorized the settlement of the following legal matters:

1. Special assessment appeal asserted by Wagner Partners Limited Partnership (Property ID No. 20-028-24-44-0156) to authorize reducing previously levied assessments by \$79,024.11 at 6024 Penn Ave S.
2. Special assessment appeal asserted by Minnetonka Moccasin Company, Inc. (Property ID No. 13-029-24-43-0041) to authorize reducing previously levied assessment by \$177,129.87 at 1227 E Hennepin Ave.

To execute this settlement, the City Council must adopt resolutions directing the Hennepin County Auditor to reduce previously levied assessments.

**T&PW and W&M** – Your Committees recommend passage and summary publication of the accompanying resolutions:

- a. Directing the Hennepin County Auditor to reduce the levied street reconstruction assessments on the parcels owned by Wagner Partners Limited Partnership, a Minnesota limited partnership, identified by Property ID Number for taxes payable in 2014 and subsequent years;
- b. Directing the Hennepin County Auditor to reduce the levied street reconstruction assessments on the parcels owned by Minnetonka Moccasin Company, Inc., identified by Property ID Number for taxes payable in 2014 and subsequent years;

Reich and Quincy

**Resolution of Special Assessment Appeals, Wagner Partners Limited Partnership,  
a Minnesota limited partnership  
v. City of Minneapolis**

**Authorizing the Hennepin County Auditor to reduce the special assessments for Public Works street reconstruction improvements for the payable 2014 and subsequent years' tax files described hereinafter.**

Whereas, in accordance with Chapter 10 of the Minneapolis City Charter, The City Council of the City of Minneapolis passed Resolution 2013R-510 on November 12, 2013 adopting the assessment rolls as prepared by the City Engineer and ordered the transmittal of certified copies of the assessment rolls to the Hennepin County Auditor for collection to begin on the 2014 real estate tax statements which included the Street Resurfacing Project No as stated herein; and

Whereas, an appeal of the special assessments was filed as District Court File No. 27-CV-13-3073 and a settlement between the parties has been agreed upon.

Now, Therefore, Be It Resolved by the City Council of the City of Minneapolis:

That pursuant to the settlement of the special assessment appeals, the City Attorney's Office is hereby directed to execute the documents necessary to effectuate the settlement that reduces the assessment on property identified as 6024 Penn Av S, PID 20-028-24-44-0156 from a total of \$186,024.11 by \$79,024.11 to \$107,000; and

Be It Further Resolved that the Hennepin County Auditor is hereby directed to reduce the following levied special assessment on the 2014 and subsequent years' tax statements from a total assessment amount of \$186,024.11 for Levy 01026, Project 6748C to:

<u>LEVY</u>	<u>PROJECT</u>	<u>PROPERTY ID</u>	<u>TOTAL AMT</u>
01026	6748C	20-028-24-44-0156	\$107,000



Riech and Quincy

**Resolution of Special Assessment Appeals, Minnetonka Moccasin Company  
v. City of Minneapolis**

**Authorizing Hennepin County Auditor to reduce the special assessments for Public Works street reconstruction improvements for the payable 2014 and subsequent years' tax files described hereinafter.**

Whereas, in accordance with Chapter 10 of the Minneapolis City Charter, The City Council of the City of Minneapolis passed Resolution 2013R-510 on November 12, 2013 adopting the assessment rolls as prepared by the City Engineer and ordered the transmittal of certified copies of the assessment rolls to the Hennepin County Auditor for collection to begin on the 2014 real estate tax statements which included the Street Resurfacing Project No as stated herein; and

Whereas, an appeal of the special assessments was filed as District Court File No. 27-CV-13-4190 and a settlement between the parties has been agreed upon.

Now, Therefore, Be It Resolved by the City Council of the City of Minneapolis:

That pursuant to the settlement of the special assessment appeals, the City Attorney's Office is hereby directed to execute the documents necessary to effectuate the settlement that reduces the assessment on property identified as 1227 Hennepin Av E, PID 13-029-24-43-0041 from a total of \$312,929.87 by \$177,129.87 to \$135,800; and

Be It Further Resolved that the Hennepin County Auditor is hereby directed to reduce the following levied special assessment on the 2014 and subsequent years' tax statements from a total assessment amount of \$312,929.87 for Levy 01026, Project 2226C to:

<u>LEVY</u>	<u>PROJECT</u>	<u>PROPERTY ID</u>	<u>TOTAL AMT</u>
01026	2226C	13-029-24-43-0041	\$135,800